

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, et al.

Defendants.

Civil Case No. 2:22-cv-00293-JRG
(Lead Case)

JURY TRIAL DEMANDED

NETLIST, INC.

Plaintiff,

v.

MICRON TECHNOLOGY TEXAS, LLC, et al.

Defendants.

Civil Case No. 2:22-cv-00294-JRG
(Member Case)

JURY TRIAL DEMANDED

**SAMSUNG’S NOTICE OF
ORDER IN RELATED C.D. CAL. CASE**

Samsung respectfully provides notice of recent developments in the related C.D. Cal. Case. On February 6, 2024, Judge Scarsi issued an order in the C.D. Cal. Case following a hearing held on February 5, 2024. That order is attached as Exhibit 1. In the order, Judge Scarsi: (1) set a trial date for March 26, 2024, in order to resolve the parties’ disputes in the C.D. Cal. Case ahead of the trial in this case, which is scheduled to begin on April 15, 2024, Ex. 1 at 10; (2) denied Netlist’s motion to stay the C.D. Cal. Case, finding the “proposed course of action in the Texas Case [to defer issues related to alleged termination of the JDLA to the C.D. Cal.] judicious,” *id.* at 4; and (3) denied Netlist’s motion to supplement the summary judgment record

with, *inter alia*, testimony from the E.D. Tex. litigation and statements from the Ninth Circuit Appeal, finding that such exhibits “postdate the judgment . . . and, thus, cannot have been disclosed or produced in the discovery phase of this case,” such that the C.D. Cal. court “doubts Netlist can use the documents in this proceeding, Fed. R. Civ. P. 37(c)(1), or show good cause to reopen discovery so it can use additional records from other cases and the appeal, Fed. R. Civ. P. 16(b)(4),” *id.* at 5-6.

Dated: February 13, 2024

Respectfully submitted,

By: /s/ Michael J. McKeon

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on February 13, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Michael J. McKeon